

DEF. DOC. #1957

*Not used*

Translated by  
Defense Language Branch

Excerpt from "The General Pact for the Renunciation  
of War"

Text of the Pact as signed

Notes and other Papers

Department of State  
United States of America  
United States  
Government Printing Office  
Washington  
1928

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(Page 4) Notes Exchanged between the United States  
and other Powers, June 20, 1927 -- August 27, 1928.

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(Page 15) The French Ambassador (Claudel) to the Secretary  
of State.

Washington, March 30, 1928.

\* \* \* \* \*

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(Page 17)

My Government likewise gathers from the declarations which your excellency was good enough to make to me on the first of last March, the assurance that the renunciation of war, thus proclaimed, would not deprive the signatories of the right of legitimate defense. Such an interpretation tends to dissipate apprehensions, and the French Government is happy to note it.

.....

Claudel

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(Page 26)

The British Secretary of State for Foreign Affairs  
(Chamberlain) to the American Ambassador (Houghton)

London, May 19, 1928

.....

(Page 26-27)

4. After studying the wording of Article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a state may be forced to take in self-defense, Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defense

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as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

.....

(Page 28)10.

The language of Article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions cannot be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

.....

Austen Chamberlain

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(Page 30)

The Japanese Minister for Foreign Affairs (TANAKA)  
to the American Ambassador (Mac Veagh)

Tokyo, May 26, 1928

.....

(Page 31)

The proposal of the United States is understood to contain nothing that would refuse to independent states the right of self-defense, and nothing which is incompatible with the obligations of agreements guaranteeing the public peace, such as are embodied in the Covenant of the League of Nations and the treaties of Locarno. Accordingly, the Imperial Government firmly believe that unanimous agreement on a mutually acceptable text for such a treaty as is contemplated is well capable of realization by discussion between the six powers referred to, and they would be happy to collaborate with cordial good will in the discussions with the purpose of securing what they are persuaded in the common desire of all the peoples of the world -- namely, the cessation of wars and the definite establishment among the nations of an era of permanent and universal peace.

Baron Giichi TANAKA

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(Page 36-37)

Note of the Government of the United States to the Governments of Australia, Belgium, Canada, Czechoslovakia, France, Germany, Great Britain, India, Irish Free State, Italy, Japan, New-Zealand, Poland, and South Africa, June 23, 1928.

.....

It will likewise be recalled that on April 20, 1928, the Government of the French Republic circulated among the other interested governments, including the Government of the United States, an alternative draft treaty, and that in an address which he delivered on April 28, 1928, before the American Society of International Law, the Secretary of State of the United States explained fully the construction placed by my Government upon the treaty proposed by it, referring as follows to the six major considerations emphasized by France in its alternative draft treaty and prior diplomatic correspondence with my Government:

(1)

Self-defense. There is nothing in the American draft of an antiwar treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign state and is implicit in every treaty. Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self-defense. If it has a good case, the world will applaud and not condemn its action. Express recognition by treaty of this

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inalienable right, however, gives rise to the same difficulty encountered in any effort to define aggression. It is the identical question approached from the other side. Inasmuch as no treaty provision can add to the natural right of self-defense, it is not in the interest of peace that a treaty should stipulate a juristic conception of self-defense since it is far too easy for the unscrupulous to mold events to accord with an agreed definition.

.....

(Page 38)

The British, German, Italian and Japanese Governments have now replied to my Government's notes of April 13, 1928, and the Governments of the British Dominions and of India have likewise replied to the invitations addressed to them on May 22, 1928, by my Government pursuant to the suggestion conveyed in the note of May 19, 1928, from His Majesty's Government in Great Britain. None of these Governments has expressed any dissent from the above-quoted construction, and none has voiced the least disapproval of the principle underlying the proposal of the United States for the promotion of world peace. Neither has any of the replies received by the Government of the United States suggested

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...any specific modification of the text of the draft treaty proposed by it on April 13, 1928, and my Government, for its part, remains convinced that no modification of the text of its proposal for a multilateral treaty for the renunciation of war is necessary to safeguard the legitimate interests of any nation. It believes that the right of self-defense is inherent in every sovereign state and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable.

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(Page 43) The French Minister of Foreign Affairs (Briand)  
to the American Ambassador (Herrick)  
(Translation) Paris, July 14, 1928

(Page 44) The Government of the Republic is happy, moreover, to take note of the interpretations which the Government of the United States gives to the new treaty with a view to satisfying the various observations which had been formulated from the French point of view. These interpretations may be summarized as follows: Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense. Each nation in this respect will always remain free to defend its territory against attack or invasion; it alone is competent to decide whether circumstances require recourse to war in self-defense.

(Page 45) In this situation and under these conditions, the Government of the Republic is happy to be able to declare to the Government of the United States that it is now entirely disposed to sign the treaty as proposed by the letter of your excellency of June 23, 1928.

Aristide Briand

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(Page 46) The Canadian Secretary of State for External affairs  
(Mackenzie King) to the American Minister (Phillips)

Ottawa, July 16, 1928

Sir: I desire to acknowledge your note of June 23 and revised draft which it contained of the treaty for the renunciation of war, and to state that His Majesty's Government in Canada cordially accepts the treaty as revised and is prepared to participate in its signature.

Accept (etc.)

W. L. Mackenzie King

(Page 47) The British Secretary of State for Foreign Affairs  
(Chamberlain) to the American Charge (Atherton)

London, July 18, 1928

(Page 48) As regards the passage in my note of the 19th May relating to certain regions of which the welfare and integrity constitute a special and vital interest of our peace and safety, I need only respect that His Majesty's Government in Great Britain accept the new treaty upon the understanding in this respect.

I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th April that the proposed treaty does not restrict or impair in any way the right of self-defense, as also with his opinion that each state alone is competent to decide when circumstances necessitate recourse to war for that purpose.

In the light of the foregoing explanations, His Majesty's Government in Great Britain are glad to join with the United States and with all other governments similarly disposed in signing a definitive treaty for the renunciation of war in the form transmitted in your note of the 23rd June. They rejoice to be associated with the Government of the United States of America and the other parties to the proposed treaty in a further and signal advance in the outlawry of war.

Austen Chamberlain

(Page 48) The British Secretary for Foreign Affairs (Chamberlain),  
on behalf of the Commonwealth of Australia, to the  
American Charge (Atherton)

London, July 18, 1928

(Page 49) 2. I now beg leave to inform you that His Majesty's Government in the Commonwealth of Australia have given the most careful consideration to your note above mentioned and that they accept the assurance given by the United State Secretary of State that the right of self-defense of a signatory state will not be impaired in any way by acceptance of the proposed treaty.

5. His Majesty's Government in the Commonwealth of Australia add that the foregoing are the only questions to which the proposed treaty gives rise in which they are especially interested. As the text of the treaty which has now been submitted is completey

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satisfactory to them so far as these specific points are concerned,  
they will be quite agreeable to signing it in its present form.

I have (etc.)

Austen Chamberlain

(Page 49) The British Secretary of State for Foreign Affairs  
(Chamberlain), on behalf of the Government of India,  
to the American Charge (Atherton)

London, July 18, 1928

(Page 49) 2. Now I beg leave to inform you that the Government of  
India associate themselves whole-heartedly and most gladly with the  
terms of the note which I have had the honour to address to you  
to-day notifying you of the willingness of His Majesty's Government  
in Great Britain to sign a multilateral treaty for the renunciation  
of war as proposed by the Government of the United States.

I have (etc.)

Austen Chamberlain

(Page 50) The British Secretary of State for Foreign Affairs  
(Chamberlain), on behalf of the Government of New  
Zealand, to the American Charge (Atherton)

London, July 18, 1928

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(Page 50) 2. I now beg leave to inform you that His Majesty's Government in New Zealand desire to associate themselves with the terms of the note which I have had the honour to address to you to-day notifying you of the willingness of His Majesty's Government in Great Britain to sign a multilateral treaty for the renunciation of war as proposed by the Government of the United States.

Austen Chamberlain

(Page 53) The Japanese Minister for Foreign Affairs (Tanaka)  
to the American Charge (Neville)  
(Translation) Tokyo, July 20, 1928

(Page 54) In reply, I have the honour to inform you that the Japanese Government are happy to be able to give their full concurrence to the alterations now proposed, their understanding of the original draft submitted to them in April last being, as I intimated in my note to his excellency Mr. McVeagh, dated the 26th of May 1928, substantially the same as that entertained by the Government of the United States. They are therefore ready to give instructions for the signature, on that footing, of the treaty in the form in which it is now proposed.

Baron Giichi Tanaka

not used

「戦争放棄一設協約」

抜

萃

協約原文、覚書其の他

アメリカ合衆国國務省

ワシントン 合衆国政府印刷局一九二八年

米國と諸外國間に取扱はされたる覺書

自一九二七年六月二十日 至一九二八年八月二十七日

1

(一五頁) 佛國大使(クロードル)より國務長官宛

(譯文) 一九二八年(昭和三年)三月三十日 於ワシントン

(二七頁)

(抜萃)

我政府亦、去る三月一日閣下の御好意を以て小官に具へられたる御聲

明より推してかく宣言されたる戦争放棄は署名国の正當防衛を阻む事なしと確信するものであります。かかる見解により危惧の拂拭されたことを佛國政府は幸甚とするものであります。

クロードル

(二六頁) 英国外相(チェンバレン)より米國大使(ホートン)宛

一九二八年(昭和三年)五月十九日 於ロンドン

(抜 萃)

四、米國案第一條の辭句を検討せる結果、英政府は同條文が國家が自衛の爲止むを得ず取る行動を除外して居るとは考へないものであります。ケロッグ氏は小官が先に言及せる演説に於て自衛は不可能と看做す旨を明瞭に述べて居り、且英國政府は本問題に關しては原文に之以上附加するの要なしと思考するものであります。

(中 略)

十、國家政策の一手段としての戦争放棄に關する第一條の辭句に就て見る

(三〇頁)

日本外相(田中)より米國大使(マック・ヴェイ)宛

(譯文) 一九二八年(昭和三年)五月二十一日 於東京

時、私は世界の或る地域の安寧と保全は我々の平和と安全に特別且致命的利害を有するものである事を閣下に想起願ひたいのであります。貴國政府は此等地域に對する干渉は許すべからざるものであることを明確ならしめんとし、てこれまで苦慮したのであります。これ等の地域を防衛するのは英帝國に取り自衛手段であります。新條約は、此の點に關する英帝國の行動の自由を妨げるものに非ざる事確確實に了解された後、<sup>英國政府は</sup>新條約を承認するものである事を明確に了解されたいのであります。米國政府も類似の權益を有して居り、若しこの權益が何れかの外國により無視された場合、米國政府は之を非友好的行爲と看做す旨を宣言しました。従つて英國政府はその立場を明確にするこ

とにより、米國政府の意圖目的を述べて居るものと言するのであります。

オーステン・チエンバレン

(拔萃)

(三一頁)

米國の提案は諸獨立國に對し自衛權を拒否する箇處は一切なく且、國際聯盟規約及ロカルノ條約に記載せる如き公安維持のための條約義務に何等背馳するものではないと解するものであります。従つて帝國政府は、關係六ヶ國間の討議により相互に支障なき條約文を万場一致にて作成することにより、右企圖せらるる條約を充分實現する可能性あるを確信し、且つ、世界全民衆の共通欲望と稱せらるるもの、即ち戦争停止と、永久的且全世界的平和を諸國間に確立するといふ欲望を滿遂せしむることを目的とする討議に、衷心善意を以て協力する事を喜ぶものであります。 敬具

男爵 田 中 義 一

(三六一三七頁)

オーストラリア、ベルギー、カナダ、チェツコスロヴァキア、フランス、ドイツ、イギリス、インド、愛蘭土自由國、伊太利、日本、ニュージーランド、ポーランド及南アフリカ諸政府宛米國政府覺書、一九二八年(昭和三年

六月二十三日

(抜 萃)

一九二八年(昭和三年)四月二十日佛蘭西共和國が米國を始め諸他の關係國政府に對し別個の條約草案を回覽せる事、及び一九二八年(昭和三年)四月二十八日アメリカ國際法協會に於ての演說中米國國務長官が米國政府提案の條約に對し、米國政府が爲したる解釋を充分説明し、フランスが別個の條約草案及びそれに先ち米國政府と取りかはした外交文書に強調せる六大重點に次の如くに言及して居る、即ち、

一 自 衛

反戰條約米國草案に、自衛權と制約又は侵害するものは一切含んでゐない。自衛權は各獨立國に固有のものであり、各條約に包含さるるものである。各國は條約文には關係なく攻撃侵略よりその領土を防衛する自由を常に有しその國のみが自衛戰を必要とするか否かを決定する能力を持つてゐるのである。若しもその主張が正當な場合は全世界がその行動を非難するどころか稱讃するであらう。但し、此の不可讓權を條約に依り明文にしようとするれば「侵略」を定義しようとする時遭遇すると同様の困難に突き當る。之は同一の問題を向ふ側から取扱はうとするのである。如何なる條約文も自衛の本質的權利に何者をも附加し得ざるを以て條約が自衛の法的感念を規定することは平和を促進する所以ではない。がむしろならざるにとつては條約の定義に一致せしむべく事件を作成するのは極めて容易であるからである。

(三十八頁)

英國、獨逸、伊太利及日本各政府は、一九二八年四月十三日附我政府覺

書に對し只今回答し來り、英國自治領及印度政府亦、我政府が英國政府よりの五月十九日附覺誓の提言に従ひ、一九二八年五月二十二日之等政府に宛てたる招待に對し、回答を寄せ來つた。此等諸政府は上に引用せる解釋に對し何等の異議を表明せず。又世界平和促進に對する米國提案の基本原則に少しも不賛成を唱へてゐない。米國政府は一九二八年四月十三日提案せる條約草案につき何等特別の修正を提議せる回答を受領せず、且我政府としては、その提案にかゝはる、戦争放棄のための多邊的條約の案文中に、何れかの國家の正當なる利益を防衛する必要上、修正を要するが如き箇處は全然ないことを信じるものである。

我政府は、自衛權は獨立國に固有のものであり、各條約に暗黙に認められて居ると信ずる。従つて宗主權に必然的に附屬する自衛に對し、何等かの具體的言及は不要であり且つ望ましからぬものである。

(四三頁)

佛國外相（ブリアン）より米國大使（ヘリック）宛。

(譯 文)

(四四頁)

(拔 萃)

加之、我が共和國政府は、米國米國政府が佛蘭西の立場よりせる諸種の所見を満足せしむるが如き解釋を新規條約に與へることを喜ぶものであります。

此等の解釋を摘要すれば次の如くであります。

新規條約中には如何なる方式に於ても自衛權を制約又は侵害するものは一切存しない。此の點に就き、各國は侵略又は攻撃に對しその領土を防衛する自由を常に有する。狀勢が自衛戰を必要とするか否かを決定する能力はその國のみが有する。

(中 略)

(四五頁)

かゝる狀勢條件下にあつて、わが共和國政府は、米國政府に對し、一九

二八年六月二十三日附貴翰提案の如く條約に調印すべき準備の完成せる事を宣言し得る事を幸とするものであります。

アリスニゲット      ブリアン

(四六頁)

カナダ外相(マツケンジー キング)より  
アメリカ公使(フイリッブス)宛

一九二八年七月十六日      於オッタワ

閣下

六月二十三日附閣下の覺書並に右覺書中の戦争放棄條約の修正草案正に拜受。カナダ政府は修正されたる條約を快諾し調印に参加する用意あることを申し上げます。

W L      マツケンヂー      キング

(四七頁)

英國外相(チェンバレン)より米國代理大使(アサートン)宛

一九二八年七月十八日 於ロンドン

(四八頁)

五月十九日附私の覺書中に或る地域の安寧保全が我々の平和と安全に致命的且特殊的に利害を有する事を申し上げましたが茲に私は、英國政府が此の點に關し行動の自由を傷けらる事なき了解の下に新規條約を承認する事を再び申し上げます。

私はケロツグ氏がその四月二十八日の演説中に表現されたる如く右の條約は如何なる様式に於ても自衛權を制約或は損傷する事なしとせらるる意見に對し又上述の目的の爲周囲の事情が戦争を必要とするや否やを決定する能力はその國のみ有するといふ意見に對し共に全面的に賛成するものであります。

上記の事情了解のもとに英國政府は米國その他參加の意ある諸國政府同様、六月二十三日、貴翰中の形式に於て戦争放棄の決定的條約に悦んで參加調印せんとするものであります。

本政府は戦争放逐に一層顯著な前進を提案せる右の條約に米國その他の國々と共に參加し得るを悦びとするものであります。

オーステン、チエインバレン

(四八頁)

英國外相(チエインバレン)オーストラリア聯邦を代表しアメリカ代理大使(アサートン)宛

一九二八年七月十八日

於ロンドン

(四九頁) (拔萃)

二、

オーストラリア聯邦政府は上記の貴府並ひに同封の修正條約草案を充分に研究し右條約承認により何等の様式に於ても署名國の自衛權は一切侵害されずといふ米國國務長官の保證を受諾する旨謹告するものであります。

五、

オーストラリア聯邦政府は上述事項は條約提案が惹起せる唯一の問題であり、且茲に特別な我が國心がかかつて居るのであることを申添へます。只今提出されたる條約原文は此等特別の諸點に關し全く満足すべきものなるを以て、現在の形に於いて右に署名する事に同意するものであります。

オーステン、チエインバレン

(四九頁)

英國外相(チェンバレン)印度政府の代表として英國代理大使(アサー  
トン)宛

一九二八年七月十八日

於ロンドン

(抜萃)

二、印度政府は英國政府提議にかかる戦争放棄の多邊的條約に署名する  
ことを欣快とする旨を述べ本日小官より貴殿宛提出せる英國政府の  
覺書條項に衷心且最上の悦びを以て賛同する事を謹告するものであ  
ります。

13

(五〇頁)

オーステン、チェンバレン

ニュージーランド政府を代表し英国外相（チエンバレン）米國代理大使  
（アサートン）宛

一九二八年七月十八日 於ロンドン

（抜萃）

二、ニュージーランド政府は米國政府提議にかかる戦争放棄の多邊條約  
に署名することを欣快とする旨を述べ本日小官より貴政府宛提出せる  
英國政府の覺書條項に賛同する事を欲するものであります。

オーステン、チエンバレン

（五三頁）

日本外相（田中）より米國代理大使（ネヴィル）宛

(譯文)

一九二八年七月二十日

於東京

(五四頁)

(拔萃)

御回答をなすに當り、日本政府は現在提議せられたる變更事項に完全なる同意を表し得ることを幸甚とし、且つ本年四月提出されたる原案に對する日本政府の解釋は一九二八年五月二十六日附マツク、ヴェイ氏宛覺書に暗示した如く米國政府の解釋と大差ない事を申し上げます。故に日本政府はこの立場に立ち現在提案の形式に於いて條約に署名すべき指令を發する用意あるものであります。

男爵 田中 義一